IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7303 of 2005

RAM LAL & ANR.
V/S
MOHAN & ORS.

Mr. BHARAT DEVASI, for the appellant / petitioner

Mr. ARVIND SAMDARIA, for the respondent

Date of Order : 9.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned order dated 14.12.2005, the petitioner-plaintiff's evidence has been closed, on the ground, that sufficient opportunity has already been granted in the past. This writ was filed on 19.12.2005; and vide order of the same date further proceedings in the trial Court had been ordered to be stayed. Since then, stay is continuing.

Various submissions were made by learned counsel for the petitioner about error in closing the evidence, while the learned counsel for the respondent has his own submissions to make.

All said and done, the fact remains, that the

trial of the suit had already prolonged, by virtue of the impugned order, and stay of further proceedings by this Court, for more than one year. In that view of the matter, to cut short the controversy, I think it appropriate to grant one more opportunity to the petitioner to lead his evidence, subject to payment of a cost of Rs.3000/-.

Accordingly, the writ petition is disposed of, with the direction to the learned trial Court, to allow one more opportunity to the petitioner to lead his evidence, and it is directed, that the petitioner shall produce all his witnesses on the next date of hearing that may have already been fixed by the learned trial Court. In case that date happens to be within a period of 15 days from today, then petitioner shall produce all his witnesses on the immediate next date to be fixed by the trial Court. It is, further directed, that in case the petitioner fails to produce his witnesses, or pay the cost on the aforementioned date, the petition will stand dismissed, and the impugned order shall revive.

The learned trial Court is, further, directed to expeditiously decide the main suit.

(N P GUPTA),J.

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